

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DEBORAH NELSON,)
)
Plaintiff,)
)
v.) Case No. CIV-08-1165-M
)
GRANITE STATE INSURANCE COMPANY,)
)
Defendant.)

ORDER

Before the Court is Defendant's Motion to Quash Plaintiff's Subpoenas Duces Tecum to Nadine Hom and Andrea Dresner, Motion for Protective Order, and Brief in Support [docket no. 51], filed June 29, 2009. No response was filed by plaintiff. As this matter is ripe for adjudication, the Court makes its determination.

Plaintiff commenced this action alleging bad faith by defendant during its handling of a claim arising from an automobile accident which occurred on or about December 12, 2003. On June 18, 2009, plaintiff issued a subpoena duces tecum to claim representatives Nadine Hom ("Hom") and Andrea Dresner ("Dresner"). Hom and Dresner both worked on plaintiff's claim file and are employed by York Claims, a third-party claims administrator who handled the file relating to plaintiff's insurance claim. Plaintiff's subpoena duces tecum commands both Hom and Dresner to produce the entire claim file relating to plaintiff and to appear for depositions.

Defendant previously objected to the production of the entire claim file relating to plaintiff, and plaintiff was provided with a copy of all claim file documents concerning plaintiff, with certain redactions which were designated on a detailed privilege log. Defendant objects to the production of the entire claim file on the basis of attorney-client privilege and the work product doctrine.

Local Civil Rule 7.1(g) provides “[e]ach party opposing a motion shall file a response within 18 days after the motion was filed. Any motion that is not opposed within 18 days may, in the discretion of the Court, be deemed confessed.” After a review of the Court docket in this case, the Court finds that plaintiff has not filed a response to the instant motion, although more than 18 days have lapsed. The Court, therefore, deems the instant matter confessed pursuant to LCvR7.1(g).

The Court, however, declines to issue a protective order concerning the depositions of Hom and Dresner. The Court finds that Hom and Dresner would not be subject to annoyance, embarrassment, opposition, or undue burden or expense because, at this time, they are no longer obligated to appear for depositions. Further, defendant has agreed to produce Hom to testify in a deposition at a time and date agreeable to the parties.

Accordingly, the Court GRANTS defendant’s motion to quash and QUASHES the subpoenas directed to Hom and Dresner. Further, the Court DENIES defendant’s motion for protective order. **IT IS SO ORDERED this 28th day of July, 2009.**


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE